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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 2 April 1997, at 6 p.m.

Chairman: Mr. ZAHRAN (Egypt)
later: Mr. SOMOL (Czech Republic)

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(agenda item 9) (continued) (E/CN.4/1997/3, 35-42, 43 and Add.1, 44-46, 47 and Add.1, 2, 3 and 4 and 119; E/CN.4/1997/NGO/10, 24 and 28; A/51/483 and Add.1 and 506 and Add.1)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 18) (continued) (E/CN.4/1997/84-86 and 88-90; E/CN.4/1997/NGO/33 and 63; A/51/453 and Add.1)

1. Mr. HAMMARBERG (Special Representative of the Secretary-General for Human Rights in Cambodia), introducing his report on the situation of human rights in Cambodia (E/CN.4/1997/85), said that, a few days previously, a horrendous grenade attack upon a peaceful demonstration organized by the Khmer National Party and authorized by local and central authorities had killed 16 people and injured over 100, some very seriously. The attack, which was the worst case of political violence in Cambodia since the 1993 elections, had come at a time when preparations were beginning for the forthcoming elections, and it underlined the need for Cambodian parties to agree on a common platform to end violence and impose discipline on all military, police and regular forces under their control, and on measures to ensure that the election commission was truly independent and effective.

2. The first step must be a full and impartial investigation into the recent massacre. The Supreme Council of Magistracy, the body responsible for the appointment of judges and for overseeing the functioning of the justice system, should also be convened. Other crucial measures would be to oblige the military to accept the authority of the justice system, to sever links between judges and political parties, and to take effective action against corruption by such means as termination of the de facto impunity of civil servants and military personnel, which was proposed in an amendment to the Civil Servants Act drafted by the Minister of Justice. It was also essential that the terrible crimes committed during the period 1975-1978 should be thoroughly investigated. Although steps were being taken, with the assistance of non-governmental organizations (NGOs), to develop human rights training programmes for the police forces, he was concerned that beatings during and after arrest were still frequent occurrences and that there had been cases of

severe torture. Prison conditions were also unsatisfactory, partly as a result of delayed payment of budget allocations, which had resulted in malnutrition and disease among prisoners.

3. There had, however, been a number of positive developments, an account of which, together with a balanced assessment of the situation, was given in paragraphs 156-162 of his report. The coming two or three years would be decisive for the Cambodians in their efforts to build a society respecting all human rights for all people, and continuing generous international support, whether through the United Nations or directly, would be of crucial importance.

4. Mrs. PINTO (Independent Expert on the situation of human rights in Guatemala), introducing her report (E/CN.4/1997/90), said that in 1996 a number of genuinely innovative decisions had been taken nationally, culminating in the signing of the Agreement on a Firm and Lasting Peace, and providing a foundation for a pluralist, democratic society respecting human rights and embracing all Guatemalans. Simultaneously the disbanding of armed groups had been proceeding, creating the need to strengthen local authorities in order to fill the gaps left by the removal of military institutions.

5. The signing of peace had generated a climate of confidence, which had had the effect of bringing many latent conflicts into the open. There was an almost universal conviction that no State policy existed on human rights violations. While there had been a considerable decrease in violations of the right to life and to freedom from torture and other cruel, inhuman or degrading treatment, a number of cases of violent deaths at the hands of State agents, arising partly as a consequence of the general failure to investigate such abuses, had been reported more recently. Deficiencies in the justice system, including the judiciary and the Prosecutor's Office, must also be quickly remedied. Broader and more effective access to justice must be ensured, and penal policy redefined on the basis of the Standard Minimum Rules for the Treatment of Prisoners.

6. Further information concerning legal and administrative shortcomings and indications of the nature and scope of the reforms required was provided in chapter III of her report, while the economic, social and cultural rights situation was covered in chapter IV. She drew particular attention to the conclusions and recommendations contained in the final chapter.

7. It was essential for the international community to maintain its assistance to Guatemala both bilaterally and multilaterally, and for the Commission to continue to keep the situation under review so as to be able to provide appropriate assistance to the Government and people in their struggle to overcome the persisting formidable obstacles to the full enjoyment of human rights.

8. Mr. DIENG (Independent Expert on the situation of human rights in Haiti), introducing his report (E/CN.4/1997/89), said that the advances made in establishing civil and political rights in Haiti, as manifested by the national and local elections shortly to be held, needed to be underpinned by wider recognition and application of economic and social rights. The sombre picture in regard to those rights in Haiti, where less than 50 per cent of the

population had access to primary health care and infant mortality was extremely high, had been further darkened by the mass expulsion of Haitians living in the Dominican Republic. He called upon the Government of that country to respect the principles of international law and of neighbourly relations. Another tragedy which had struck the country was the affair of the contaminated syrups, which had caused the death of nearly 80 Haitian children, as related in paragraphs 17 and 18 of his report. The high rate of illiteracy - about 75 per cent - was a further pressing problem. With regard to the right to land, Haiti was being encouraged to pursue the agrarian reform programme launched by President Préval on 2 November 1996, the urgency of which was underlined by the fact that barely half of Haiti's food needs were met out of local production. While the Government had taken steps on behalf of women, who had suffered greatly from violence during the military dictatorship, domestic violence was still very common at all levels of society. On all those matters the technical cooperation provided by the Centre for Human Rights could make a valuable contribution.

9. A National Commission on the Reform of the Judiciary, with technical assistance financed by the European Commission, was about to begin its work. Corruption was still widespread and criminals were often set free as a result of deliberately bungled prosecutions. As an example of the violation of the rights of the suspect, he drew attention to the case of a Mr. Rigaud, details of which were given in paragraphs 55-59 of the report. He welcomed the adoption of the recommendation on police ethics made in his preceding report. Further cases of ill-treatment had in fact occurred in May 1996, but, for the first time in the history of Haiti, the police officers responsible had subsequently been sentenced. If the rule of law was to be firmly established in Haiti, crime must not be seen to go unpunished, and it was essential that the United States Government should, as a matter of urgency, resolve the imbroglio that had resulted from the seizure of compromising documents from the headquarters of the Haitian armed forces and the Front pour l'avancement et le progrès haïtien (FRAPH) and their removal to the United States, a full account of which was given in paragraphs 35-38 of his report.

10. While there had been undoubted improvements, the situation in Haiti remained fragile, exacerbated as it was by extreme poverty. If the advance to fuller enjoyment of human rights was to continue, increased support from the international community was urgently required, and he hoped that it would be accompanied by a more understanding approach on the part of the Bretton Woods institutions.

11. Mr. ANTONIO (Observer for Haiti) endorsed the content and supported the main recommendations of the Independent Expert's report. As the Expert had said, the human rights situation as a whole was evolving positively, but much remained to be done in some fields, particularly regarding conditions in detention centres, arbitrary arrests and corruption in the judiciary, and the need for a professional police force. While the reform process would certainly be long and arduous, the political will existed for the Government to carry it through to a successful conclusion. The persisting malfunctions were linked to the socio-political structure of the country and could be remedied only by institution building and a campaign of civic education. Some obstacles were, however, beyond the Government's control and were perhaps linked to the current international geo-political configuration, which was

characterized by an imbalance of forces. A flagrant example was the affair of the seized documents to which the Independent Expert had referred. That matter remained unresolved and he appealed in the name of his Government for the support of the international community in achieving a just and satisfactory solution.

12. Another point involving justice related to the demands made upon countries like Haiti which were endeavouring to improve their human rights situation. To do so they must not only modernize their penal systems but provide access to justice for the broad masses of their peoples, which would entail the establishment of effective legal aid systems. However, developing countries, subjected as they were to rigorous structural adjustment and privatization programmes, and called upon to reduce social expenditure considered unnecessary by orthodox economists, were left with no margin of manoeuvre to carry out such projects.

13. The function of democracy was subject to certain requirements which the Haitian Government had the necessary political will, but not the resources, to respect. The support of the international community for the democratic process in Haiti was also subject to certain requirements, one of which was to provide the Government with the means to satisfy its people's demands for justice.

14. Mrs. KOVALSKA (Ukraine) said that, in order to achieve greater efficiency in its coordinating activities, the Centre for Human Rights needed to define clearly its medium- and long-term priorities and adopt innovative approaches, and her delegation fully supported the restructuring exercise of the High Commissioner directed to that end. It was, however, widely felt that the management style of the Centre needed radical change, including the recruitment of new members, especially at the higher levels, on the basis of rotation and equitable geographical distribution. While the establishment of field offices was an important advance in the monitoring of human rights violations, there should be a clear division of functions between them in order to avoid duplication. In situ visits would be more effective if rapporteurs prepared a single consolidated report and combined their visits so as to minimize inconvenience to the Governments concerned.

15. The effectiveness of the reform process in the field of human rights on the eve of the fiftieth anniversary of the Universal Declaration would greatly depend on success in reducing the level of interregional confrontation, adapting existing machinery to meet current and future needs, and striking a proper balance between the attention accorded to various sets of rights. In order to achieve more effective cooperation with specialized agencies and programmes, human rights experts might be incorporated in their working groups where appropriate.

16. The Government of Ukraine was doing its utmost to bring its legislation into line with international standards, most importantly by the adoption in June 1996 of a new Constitution, and to ensure that its courts acted as a mechanism to protect the supremacy of law in State and public life rather than merely serving as an instrument of prosecution. Her Government also attached great importance to observance of the rules of international humanitarian law during periods of armed conflict. Preventive diplomacy should not be directed

to political and economic problems alone but also to the protection of human rights, which would require innovative approaches. As far as massive violations were concerned, she thought that the Secretary-General, acting through the Office of the High Commissioner for Human Rights, could play a more active role, even bringing some violations to the attention of the Security Council as threats to international peace and security. Human rights treaty bodies should also work to strengthen the responsibility of States to fulfil their international commitments. The Commission should pay more attention to such issues as the protection of human rights in emergency situations and the establishment of criteria to exclude voluntaristic interpretations of the right to self-determination.

17. Ms. MLAČAK (Canada) said that the Commission had demonstrated remarkable commitment to the spirit of the 1993 Vienna Declaration and Programme of Action in working for the elimination of violence against women and the integration of their rights into United Nations human rights mechanisms. Her delegation agreed with the Special Rapporteur on violence against women that States had an imperative duty to work towards the elimination of impediments to the full enjoyment by women of their human rights. She urged them to ratify all relevant international human rights instruments and withdraw reservations to them; to comply with reporting requirements; and to exchange information and experience on how criminal justice systems could confront the problem of violence against women. As a contribution to that end, her delegation intended to submit a draft resolution to the Commission calling for a three-year extension of the Special Rapporteur's mandate.

18. The recent session of the Commission on the Status of Women had encouraged further cooperation between the Division for the Advancement of Women and other bodies in the United Nations system, stressed the importance of the work of the Inter-Agency Committee on Women and Gender Equality in monitoring progress to that end, invited the High Commissioner for Human Rights to ensure that equal status for all rights of women and the girl child were integrated into system-wide United Nations activities, and that the reports of the Special Rapporteur on violence against women were brought to the attention of the Commission on the Status of Women. Among the recommendations in the report on integrating women's rights into the United Nations system (E/CN.4/1997/40) she wished to highlight those concerned with the development of gender guidelines for use in the review of States' reports, of a common strategy in the mainstreaming of women's rights to facilitate their monitoring, and with cooperation to incorporate a gender perspective in drafting general comments, recommendations and observations. All human rights bodies and mechanisms were also urged to collect and use gender-disaggregated data and apply gender analysis to monitoring and reporting by all human rights bodies, to ensure gender-inclusive formulation of new human rights instruments and existing standards, and to ensure that all activities relating to the Decade for Human Rights Education were gender-sensitive.

19. Mr. Somol (Czech Republic) took the Chair.

20. Mr. van WULFFTEN PALTHE (Netherlands), speaking on behalf of the European Union, the Central and East European countries associated with the Union and Cyprus, said it was a regrettable fact that women and girls were

still often denied equal opportunities with males and were more frequently subjected to violence, rape, sexual harassment and genital mutilation. Their human rights could be achieved only through empowerment, for which the Beijing Declaration and Platform for Action had established a framework but which also required strong political determination and practical action. Although the Commission had been a latecomer in the field, the United Nations as a whole had a long history of fighting for women's rights. All Governments had a responsibility to implement the Beijing commitments, and it was an important achievement that the Platform for Action recognized that women's rights included their right to have control over and decide freely on such matters as sexual and reproductive health. It was furthermore the understanding of the Union that the general paragraphs of the Beijing document condemning discrimination also covered sexual orientation.

21. He called on all States to ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women, and upon those that had made reservations incompatible with the object and purpose of the Convention to withdraw them as a matter of priority. He welcomed the progress made on the elaboration of an optional protocol to the Convention and hoped that it would be finalized before the fiftieth anniversary of the Universal Declaration and would establish a right of petition to enter into force before the year 2000. The Union also welcomed the decision of the Committee on the Elimination of Discrimination against Women to amend its reporting guidelines and invite States parties to take into account critical areas of concern in their reports to the Committee, thus enabling it to form an opinion on the extent to which they were implementing their Beijing commitments. The Union was also working through the Medium-Term Community Action Programme on Equal Opportunities for Women and Men to promote equal opportunities policies in its member States, to promote a gender balance in decision-making, and to create conditions more conducive to exercising equality of rights.

22. The Union fully supported the Commission's work on combating violence against women, and welcomed the 1993 Declaration on the Elimination of Violence against Women and the appointment of a Special Rapporteur, whom it congratulated on her excellent reports. The Union was convinced of the urgent need to eradicate the odious practice of trafficking in women and girls, which would require concerted national and international law enforcement action and adequate educational programmes. It had reached agreement on joint action to combat such traffic and on the extension of the mandate of the European Police Office (EUROPOL) to cover trafficking in persons. One of the main conclusions of the Regional Conference of the Union in Vienna in 1996 had been that trafficking could not be tackled effectively without a coordinated approach by all parties concerned.

23. Governments must commit themselves to eliminating human rights abuses against women in situations of armed conflict and to bringing those responsible to justice - a major step towards which had been taken by the prosecutions relating to the former Yugoslavia and to Rwanda. The Union believed that the early establishment of a permanent international criminal court could make an important contribution in that regard. It also fully recognized the crucial role played by NGOs, particularly women's organizations, in protecting and promoting women's rights.

24. The Beijing Platform for Action called for the mainstreaming of women's rights into the general human rights machinery of the United Nations, including through closer cooperation between the Division for the Advancement of Women in New York and the Centre for Human Rights in Geneva. Much remained to be done, but he welcomed the steps taken by the Centre and by some working groups and rapporteurs in developing gender sensitivity, and the selection by the Economic and Social Council of "mainstreaming of the gender-perspective within the United Nation system" as a theme for its coordination segment at its forthcoming session. The Commission on Human Rights should work closely with the Commission on the Status of Women to review the implementation of women's rights in 1998, scheduling their meetings at different times, so that their reports would be available for consideration by the Council in that year.

25. Mr. KELLMAN (El Salvador) said that his Government had taken action to prevent and eradicate violence against women both regionally through ratification of the Inter-American Convention and nationally by establishing the Salvadoran Institute for the Development of Women. The Institute had held a series of meetings on the preparation of the basic document of national policy and had contributed to strengthening the programme for the improvement of the quality of family life launched by the National Secretariat for the Family. El Salvador was also incorporating the family and women into the curriculum on human rights for national security and police agencies and had established a special unit to deal with violence against women and the family. His Government was also cooperating with UNESCO on the diffusion of information about women's rights.

26. Turning to advisory services in the field of human rights, he said that the technical cooperation programme had developed very positively under the High Commissioner for Human Rights, especially regarding support for national development programmes. The guidelines followed by his Government during the preparatory stage of projects had included provision for ongoing evaluation by an inter-agency team operating jointly with the Centre to avoid overlapping with other United Nations programmes, progressive implementation of time-bound projects and the selection of national capacity-building programmes to strengthen democratic and human rights institutions in the country. He wished to express his particular appreciation of the contribution of Mr. Benomar and Mr. Denner to the success of negotiations on the agreed projects.

27. Mr. KONISHI (Japan) said that Japan had been a regular contributor to the Voluntary Fund for Technical Cooperation in the Field of Human Rights but believed that, in order to enable the Fund better to reflect the needs and priorities of both donor and recipient countries, an intergovernmental mechanism should be established to replace its present board of trustees. His delegation also noted with interest that the Amman workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region had strongly recommended that a regional technical cooperation programme should be designed in partnership with the Centre for Human Rights to facilitate the sharing of information and experience within the region.

28. Japan intended to strengthen its technical assistance programmes in the field of democratic development and the enhancement of human rights under a "Partnership for Democratic Development" initiative inspired by the conviction

that progress needed not only political will but the existence of appropriate systems, institutions and human resources. Implementation would involve a constructive partnership between Japan and the recipient country and all projects would be conducted on the basis of a specific agreement between the Japanese Government and the governments of recipient countries. The initiative would be pursued multilaterally, possibly by reinforcing the activities of the Voluntary Fund and strengthening cooperation with the Crime Prevention and Criminal Justice Programme, and, bilaterally, by measures relating to the development of electoral, legal and judicial systems.

29. Mr. RAM (Nepal) welcomed the endorsement by the Commission of the conclusions of the 1996 Kathmandu workshop regarding the fundamental role of regional arrangements in promoting and protecting human rights. He was pleased to note that the Amman workshop had continued the same momentum.

30. Concerning agenda item 9 (a), the reference to Nepal in the report of the Special Rapporteur on violence against women (E/CN.4/1997/47/Add.4) was a broad generalization on the complex abortion issue, which had to be viewed in a medical as well as socio-economic and cultural perspective. His Government was conscious of the problem of illegal abortion, but abortion on medical grounds was allowed.

31. With regard to item 9 (b), a bill passed by the Nepalese Parliament establishing an autonomous national institution to investigate violations was an extremely liberal measure since it made State machinery answerable to the national Human Rights Commission, and the latter in its turn answerable to Parliament and not to the executive branch of Government. As to item 9 (c), his delegation regarded the coordinating role of the Centre for Human Rights as extremely important and had supported various initiatives to strengthen its functioning.

32. Nepal viewed item 9 (d) as one of the most important on the Commission's agenda. He expressed appreciation to the High Commissioner for Human Rights for his report (E/CN.4/1997/42) and to the High Commissioner for Refugees, who had stressed that of the three phases - flight, asylum and voluntary repatriation - the last-mentioned provided the most durable solution. Nepal was currently providing asylum to over 91,000 refugees from Bhutan, who were the subject of reports of several international organizations and of a resolution adopted in March 1996 by the European Parliament, calling on the Government of Bhutan to make practical preparations for their return. He noted the view expressed in the High Commissioner's report that not only international and internal conflicts but also violations of human rights and humanitarian law were major causes of mass exoduses. The Commission therefore needed to consider what the international community could and should do to prevent such violations and consequent outflows of refugees.

33. The Commission also had to consider what form its cooperation with other human rights and humanitarian institutions such as the Office of the United Nations High Commissioner for Refugees should take, especially in regard to refugees' nationality rights and right to return to their country of citizenship. Refugee problems often affected more than one country, and it was important to develop international, regional and other mechanisms to address such problems. Unless the international community decided to deal

with the more fundamental questions relating to the human rights dimensions of mass exoduses and flows of refugees, such problems were likely to increase. The High Commissioner's report touched upon, but did not address, those more fundamental questions. It was perplexing to note the silence that prevailed concerning the plight of certain groups of refugees, even on the part of those who otherwise championed the cause of human rights.

34. Mr. GETAHUN (Ethiopia) observed that the fiftieth anniversary of the Universal Declaration was an appropriate occasion to consolidate United Nations activities in the field of human rights, in which task the Commission could take the lead by the speedy conclusion of outstanding standard-setting activities. The specific commemorative proposals to be made to the Economic and Social Council should include a special meeting of the General Assembly, the widest possible celebrations in Member States, specific presentations from United Nations agencies and other bodies, a reiteration of the Vienna Declaration and Programme of Action, and a request by the Secretary-General for reports on progress made in the implementation of the Declaration. The Commission should also provide, at its fifty-fourth session, for special discussion of ways and means of improving the effective enjoyment of human rights and fundamental freedoms, including action to be taken in cases of massive and gross violations, and support for the establishment of an international criminal tribunal. In Ethiopia, national measures included the establishment of a new legal regime incorporating individual rights as laid down in the Universal Declaration, and provision under the 1994 Constitution that the rights and freedoms it contained should be interpreted in conformity with the Universal Declaration and other international human rights instruments.

35. Mr. KAHN (France) said that the French Advisory Commission on Human Rights, which he represented, had been established some 50 years previously under the presidency of the Nobel Peace Prize winner, René Cassin, who had from the outset of his work proposed the creation of an office of High Commissioner for Human Rights in the United Nations system. The Advisory Commission had initiated international meetings of national human rights institutions, which had contributed to the Vienna Conference and led to the adoption in 1993 of the General Assembly resolution embodying the "Paris principles".

36. Within the framework of the European Year against Racism, his Advisory Commission was acting as the French coordinating committee and had already assembled over 300 projects from NGOs, trade unions, universities and other organizations. It had also published its annual report on the struggle against racism and xenophobia in France in 1996. In the struggle against the excesses of the racist extreme right, legal measures and education were the decisive weapons. Before setting out to judge respect for human rights in any other country, it was essential to ensure that one's own record was beyond reproach. That was the basis on which the French Advisory Commission wished to be heard when it proclaimed the universality of human rights.

37. Ms. ADERHOLD (Germany) expressed her delegation's appreciation for the work of the Special Rapporteur on violence against women and its strong support for the extension of her mandate. It also fully subscribed to the statement made by the Netherlands on behalf of the European Union.

Trafficking in women and girls for sexual exploitation was a crude violation of women's dignity and innate rights that had unfortunately become a highly lucrative business in recent years. Owing to their international character, such crimes were a challenge not only to the countries directly involved but to the international community at large. German experience showed that the women affected were often reluctant to go to the police because many had no residence permits or were afraid of reprisals by the traffickers, the consequence being that only in a relatively few instances were perpetrators brought to justice. Accordingly, the German Government had carried out a number of studies and surveys and had recently established a working group under the auspices of the Ministry for Women's Affairs. At the international level, Germany was fully involved in continuing efforts to combat trafficking in women, in the context of the extension of EUROPOL's mandate, the measures agreed by the European Union Ministers of Justice and Home Affairs, and the decisions of the Vienna Conference.

38. Mr. SINGH (India) commented that agenda item 9 had come to group a number of disparate issues, some of considerable importance, which made it virtually impossible to discuss them in an orderly and focused way. The Commission should take action to remedy that situation during the current session. He wished to encourage the Special Rapporteur on violence against women to continue her excellent work and reiterated his delegation's call for the establishment of a separate agenda item on women's rights.

39. It was essential that the Centre for Human Rights, as the main instrument for implementing United Nations human rights programmes and activities, should be seen to serve the interests of the international community as a whole and fully reflect the diversity of United Nations membership, including in its staffing. In keeping with Article 100 of the Charter, Member States must respect the international character of the responsibilities of the staff of the Centre and not seek to influence them in any way. Member States also had the responsibility to ensure the provision of adequate resources for the Centre, where the gap between mandates and resources had regrettably continued to widen. While voluntary contributions to the Centre were welcome, care must be taken to ensure that its priorities were not distorted by attempts to emphasize or promote one set of rights at the cost of others. Imbalances were, for example, visible in the failure to implement activities envisaged in the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and in the absence of priority attention to programmes related to the right to development.

40. In order to ensure full transparency in all aspects of the Centre's work, his delegation suggested that a comprehensive evaluation of all voluntary funds should be undertaken and disseminated to all Member States, which should be provided also with information currently made available exclusively to donors; that voluntary contributions should not be subject to conditionalities, especially regarding the recruitment of staff; that the Centre should be staffed by international civil servants and not by officers on secondment from a few countries, tasks assigned to junior professional officers being restricted to technical cooperation activities; and that full information on staff composition should be made available to all Member States, which should be provided also with comparative information regarding

the allocation of staff and resources to various components of Programme 19 as well as the three units of the Centre. The Centre must not be, or be seen to be, "donor driven".

41. Turning to field operations, he said that, while his delegation did not question the need for the Centre to undertake some operations with a preventive or monitoring mandate, the recent tragic killing of five field personnel in Rwanda made it timely for the Centre to undertake a comprehensive evaluation of field missions and to recommend guidelines for entry and exit strategies. It was also necessary to consider whether the results of field monitoring missions were cost-effective. The very considerable resources involved might be more effectively deployed for technical cooperation and advisory services for national institution and capacity building. Perhaps the Commission should establish an informal open-ended working group to examine the Centre's programme budget.

42. With reference to agenda item 18, he noted from the report on technical cooperation in the field of human rights (E/CN.4/1997/86) that the former High Commissioner regarded such activities as most conducive to a national and international environment in which human rights could be fully respected and effectively protected. The report also recorded a large and welcome increase in the number of requests for technical assistance from Governments. His delegation furthermore welcomed the reported increase in voluntary contributions and in the number of developing countries contributing. His Government would maintain its contribution during the current year but noted with concern the reduction in the allocation from the regular budget.

43. Mr. ULUCEVIK (Observer for Turkey) said that the death of a Turkish mother and five of her children in a fire caused by arson in the Netherlands in March had been shortly followed by another such tragedy in which a Turkish mother and two of her children had lost their lives in Krefeld in Germany. Those two crimes came after three similar outrages in Germany in 1992, 1993 and 1996. There was little doubt that all were motivated by racism in western Europe, against which the countries of that region must take strong legislative and administrative measures, and he believed that the cooperation of relevant United Nations human rights mechanisms could contribute to that end.

44. He requested the Chairman to invite the Commission to observe a minute of silence in memory of the victims of racism and xenophobia throughout the world, and to mark a common resolve to combat violations of the right to life.

45. At the invitation of the Chairman, the members of the Commission observed a minute of silence.

46. Mr. REZAG-BARA (Observatoire national des droits de l'homme (Algeria)), speaking on agenda item 9 (b), said that his organization was the national institution established by presidential decree to protect and promote human rights. The terrorist violence characterized by indiscriminate attacks, particularly between 1992 and 1995, was a veritable war against civilians and the rule of law. It was contrary to the sacred message of Islam and to the democratic aspirations of the Algerian people, and could find only a pseudo-justification in "political motivation". The international community

as a whole, including its human rights bodies, must join forces to give effect to the recommendations of General Assembly resolution 51/210, which roundly condemned criminal acts directed to political ends through the instrument of terror.

47. His organization had continued to adopt a critical stance with regard to human rights in Algeria and, in spite of the urgency of preserving public order and guaranteeing the security of persons and property, it had declared that a state of emergency did not abolish the rule of law. It also noted that Algeria was engaged in the process of stabilization and legitimation of its constitutional institutions and that the revised Constitution reaffirmed the principles and rights enshrined in the Universal Declaration. It was the ardent desire of his organization that forms of cooperation between national institutions for the protection and promotion of human rights and the various United Nations bodies with responsibility in that field should be effectively coordinated to maximize progress in the achievement of their common aim.

48. Mr. SINGYE (Bhutan), speaking in exercise of the right of reply, recalled, with reference to the statement by the representative of Nepal, that his delegation had pointed out during the discussion of agenda item 8 that the issue of refugees in camps in eastern Nepal was the subject of bilateral discussions between the two countries. While the problem was a highly complex one because of the vast numbers and the diversity of the displaced people concerned, the two countries, which had close ties of friendship and cooperation, had expressed confidence that a durable and mutually acceptable solution would be found.

The meeting rose at 9 p.m.